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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

W.P. (S) No.5264 of 2006

PETITIONER		Sheiku Ram Dewangan aged about 57 years, S/o Chohal Ram Dewangan R/o Near Sharda Temple W.No.38, Basantpur, Rajnandgaon, Distt. Rajnandgaon [C.G.]
		Vs.
RESPONDENTS	1.	State of Chhattisgarh, through the Secretary, Department of Revenue, D.K.S. Bhawan Mantralaya, Raipur [C.G.]
	2.	Collector, Rajnandgaon [C.G.]
	3.	Sub Divisional, Officer The. Mohla, District Rajnandgaon [C.G.]

Present: Shri Vinay Pandey, counsel for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the State / respondents

ORAL ORDER
(Passed on 2nd April, 2007)

Learned counsel appearing for the petitioner submits that the petitioner was working as a Patwari at Patwari Halka No.12, Tehsil Ambagrah Chowki, District Rajnandgaon from where he was transferred and posted to P.H.No.7, Dadhutola in the same tahsil and district, by order dated 14.09.2006 (P-3). Learned counsel appearing for the petitioner further contends that the impugned order cannot be said to have been passed in administrative exigency. The contention of learned counsel for the petitioner is based on the ground that the impugned order was passed after revocation of suspension vide order dated 18.02.2005 and, thereafter, within 3 months, the impugned order of transfer has been passed. It is further contended that the petitioner was placed under suspension, in view of pendency of a criminal case against him under the provisions of Section 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act, 1988, which finally resulted in acquittal of the petitioner vide judgment and order dated 24.05.2006.

53

Consequently, the suspension of the petitioner was revoked and petitioner was posted at Patwari Halka No.12.

2. Learned counsel appearing for the State/respondents has filed return on behalf of the respondents, stating that the transfer is made purely due to administrative reason and in public interest. The petitioner has joined the new place of posting, therefore, nothing survives in this petition. The petitioner has not established that the impugned order has been passed with a *mala fide* intention.

3. The contention of the petitioner with regard to the fact that the impugned order was not passed in administrative exigency is without any basis and deserves to be noted only for rejection. An employee after revocation of suspension order can be transferred and posted to any other place in public interest. In the instant case, the petitioner was reinstated after revocation of suspension on 23.06.2006 and the impugned order was passed on 14.09.2006. The petitioner has not raised any other ground. Thus, the impugned transfer order needs no interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

4. Accordingly, the writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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